

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence and any document referred to as being attached thereto is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 11, 2006.

LUZ C. BRAUNSTEINER *Luz C. Braunsteiner*
(Type name of person mailing paper) (Signature)

PATENT
Practitioner's Docket No.: 57471/03-454
USSN: 10/628,864
Page 1 of 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael NALLY et al.
Serial No.: 10/628,864
Filed: 07/28/2003
Confirmation No.: 3817
Title: Lighted headgear with motion activated switch
Art Unit: 2875
Examiner: Ton, Anabel

**Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL OF PAYMENT OF ISSUE FEE (37 C.F.R. 1.311)

1. Applicant hereby pays the issue fee for the attached Issue Fee Transmittal PTOL-85.
2. Copy of Notice of Allowability is attached.
3. Fee (37 C.F.R. 1.18(a) and (b)):

| Application status is: | Regular | Design |
|---|--|-----------------------------------|
| <input type="checkbox"/> small business entity—fee | <input type="checkbox"/> \$ 700.00 | <input type="checkbox"/> \$400.00 |
| <input checked="" type="checkbox"/> other than a small entity—fee | <input checked="" type="checkbox"/> \$1,400.00 | <input type="checkbox"/> \$800.00 |

4. Payment of fee:

☐ Enclosed please find check for \$_____.

☐ Charge Account _____ the sum of _____.
☐ A duplicate of this request is attached.

☒ Credit Card payment for the sum of \$1,430.00 (\$1,400.00 for issue fee and \$30.00 for 10 copies of patent).

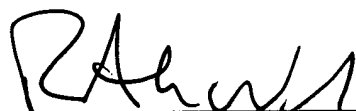
☒ Form PTO-2038 is attached in duplicate.

☒ Charge Account 06-0540 for any fee deficiency.

5. Also attached for the record is a Supplemental Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76).

Respectfully submitted,

9/11/06
DATE


SIGNATURE OF PRACTITIONER

Reg. No.: 36,050

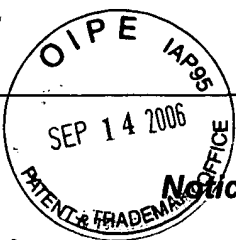
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Application No.

10/628,864

Examiner

Anabel M. Ton

Applicant(s)

NALLY ET AL.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/22/06.
2. ☒ The allowed claim(s) is/are 2-8 and 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____